

INFORMATION DISCLOSURE STATEMENT

Applicant : Thomas W. Davison
App. No : 10/689,487
Filed : October 20, 2003
For : SYSTEM FOR PERFORMING A
PROCEDURE AT A SPINAL
LOCATION
Examiner : Nicholas W. Woodall
Art Unit : 3733
Confirmation : 7935
No.

CERTIFICATE OF MAILING

I hereby certify that this correspondence and all marked attachments are being deposited with the United States Postal Service as first-class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on

2/20/07

(Date)

Josue A. Villalta, Reg. No. 54,511

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Enclosed for filing in the above-identified application is an Information Disclosure Statement by Applicant (PTO/SB/08 equivalent) listing 418 references to be considered by the Examiner. Also enclosed are 69 foreign patent references and/or non-patent literature as listed on the Information Disclosure Statement.

Reference numbers 334-349 identify several co-pending applications assigned to the assignee of this application. Applicant directs the Examiner to these applications to consider whether the subject matter claimed, now or as may be amended in the future, as well as the associated prosecution history, now or in the future, may be relevant to the patentability of the present application (e.g., for reasons of obviousness-type double patenting). Applicant believes that the Examiner has access to the applications and associated file histories through the Patent Office (e.g., the IFW system). Accordingly, Applicant has not provided copies of these applications or their associated file histories, but would be happy to do so, now or in the future,

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should the Examiner so request. Copies of the references are not submitted pursuant to 37 C.F.R. § 1.98(d).

Applicant notes that many references listed in the Information Disclosure Statement were cited in U.S. Application Serial No. 10/734,161 ("the '161 application"), filed December 15, 2003. The Applicants of the '161 application have requested that the United States Patent and Trademark Office ("USPTO") declare an interference between the '161 application and U.S. Patent Nos. 6,530,926 and 7,056,321, which are parent cases of the above-identified application. The Applicants of the '161 application have also requested that the proposed interference include the above-identified application. The '161 application and the Request for Declaration of Interference are cited on the enclosed Information Disclosure Statement as Reference Nos. 333 and 416.

Notwithstanding the length of the list of references submitted, the Applicant respectfully submits that he is not attempting to cloak any particular reference(s), and the submission of the references is made solely in an attempt to comply with the duty of candor and to place before the examining office all references that may be considered material by an Examiner. The length of the Statement is due in part to Applicant's desire to cite all art that was made of record by the party in the '161 application, who is seeking to provoke an interference with parent cases of the present application.

Nevertheless, in an attempt to facilitate the examining process, the Applicant would like to call the Examiner's attention to the following references: U.S. Patent No. 6,187,000, U.S. Patent No. 5,171,279, U.S. Patent No. 6,306,170, European Publication No. EP 0 807 415 and Australian Publication No. AU 13672/95. However, Applicant does not warrant that there are not references that are contained within the Information Disclosure Statements that are more relevant, for Applicant has not conducted an analysis to determine the relative import of the various references.

This Information Disclosure Statement is being filed before the mailing date of a final action and before the mailing of a Notice of Allowance. This Statement is accompanied by the fees set forth in 37 C.F.R. § 1.17(p).

The Commissioner is hereby authorized to charge any additional fees which may be required or to credit any overpayment to Account No. 11-1410.

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Dated: _____

2/27/07

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

By: _____

Josué A. Villalta

Registration No. 54,511

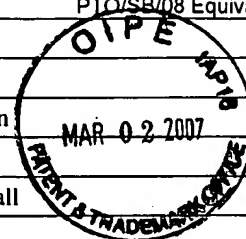
Attorney of Record

Customer No. 20,995

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INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Multiple sheets used when necessary)</i>	Application No.	10/689,487
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	First Named Inventor	Thomas W. Davison
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SHEET 1 OF 16		Examiner: Nicholas W. Woodall Attorney Docket No.: ENDIUS.26CP1C2



U.S. PATENT DOCUMENTS

Examiner Initials	Cite No.	Document Number Number - Kind Code (if known) Example: 1,234,567 B1	Publication Date MM-DD-YYYY	Name of Patentee or Applicant	Pages, Columns, Lines Where Relevant Passages or Relevant Figures Appear
	1	465,161	12/1891	Chase	
	2	2,235,979	3/1/41	Brown	
	3	2,255,657	9/1/41	Freedman	
	4	2,482,116	9/1/49	Lanahan	
	5	2,575,253	11/1/51	Bicek	
	6	2,594,086	4/22/52	Smith et al.	
	7	2,666,428	1/1/54	Glenner	
	8	2,756,742	7/1/56	Barton	
	9	2,829,649	4/1/58	Glenner	
	10	2,886,004	5/1/59	Morrison	
	11	3,044,461	7/17/62	Murdock	
	12	3,486,505	12/1/69	Morrison	
	13	3,570,498	3/1/71	Weighton	
	14	3,592,199	7/13/71	Ostensen	
	15	3,626,471	12/1/71	Florin	
	16	3,651,800	3/1/72	Wilbanks	
	17	3,788,318	1/29/74	Kim et al.	
	18	3,789,852	2/5/74	Kim et al.	
	19	3,875,595	4/8/75	Froning	
	20	3,941,127	3/1/77	Froning	
	21	3,964,480	6/1/76	Froning	
	22	4,013,078	3/22/77	Field	
	23	4,049,000	9/1/77	Williams	
	24	4,232,660	11/1/80	Coles	
	25	4,254,763	3/10/81	McCreedy et al.	
	26	4,344,419	8/1/82	Burgin	
	27	4,350,151	9/1/82	Scott	
	28	4,421,108	12/20/83	Cabrera et al.	
	29	4,449,532	5/22/84	Storz	

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U.S. PATENT DOCUMENTS					
Examiner Initials	Cit e No.	Document Number Number - Kind Code (if known) Example: 1,234,567 B1	Publication Date MM-DD-YYYY	Name of Patentee or Applicant	Pages, Columns, Lines Where Relevant Passages or Relevant Figures Appear
	30	4,451,256	5/29/84	Weigl et al.	
	31	4,461,281	7/1/84	Carson	
	32	4,498,902	2/1/85	Ash et al.	
	33	4,513,754	4/30/85	Lee	
	34	4,538,594	9/1/85	Boebel et al.	
	35	4,545,374	10/8/85	Jacobson	
	36	4,562,832	1/1/86	Wilder et al.	
	37	4,573,448	3/1/86	Kambin	
	38	4,573,454	3/1/86	Hoffman	
	39	4,586,491	5/1/86	Carpenter	
	40	4,601,713	7/22/86	Fuqua	
	41	4,617,929	10/1/86	Gill et al.	
	42	4,638,799	1/27/87	Moore	
	43	4,655,216	4/1/87	Ticher	
	44	4,674,501	6/1/87	Greenberg	
	45	4,678,459	7/1/87	Onik et al.	
	46	4,696,544	9/1/87	Costella	
	47	4,700,694	10/1/87	Shishido	
	48	4,716,901	1/5/88	Jackson et al.	
	49	4,736,738	4/1/88	Lipovsek et al.	
	50	4,750,475	6/1/88	Zanetti	
	51	4,750,487	6/14/88	Okutsu	
	52	4,762,120	8/1/88	Hussein	
	53	4,790,297	12/13/88	Luque	
	54	4,834,757	5/30/89	Brantigan	
	55	4,819,620	4/11/89	Okutsu	
	56	4,834,757	5/30/89	Brantigan	
	57	4,850,342	7/25/89	Hashiguchi et al.	
	58	4,862,891	9/1/89	Smith et al.	

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U.S. PATENT DOCUMENTS					
Examiner Initials	Cite No.	Document Number Number - Kind Code (if known) Example: 1,234,567 B1	Publication Date MM-DD-YYYY	Name of Patentee or Applicant	Pages, Columns, Lines Where Relevant Passages or Relevant Figures Appear
	59	4,863,133	9/5/89	Bonnell	
	60	4,874,897	10/1/89	Lee	
	61	4,878,915	11/7/89	Brantigan	
	62	4,887,595	12/19/89	Heinig	
	63	4,899,729	2/13/90	Gill et al.	
	64	4,904,261	2/27/90	Dove et al.	
	65	4,905,082	2/1/90	Nishigaki et al.	
	66	4,921,478	5/1/90	Solano et al.	
	67	4,947,896	8/1/90	Bartlett	
	68	4,972,827	11/1/90	Kishi et al.	
	69	4,984,564	1/15/91	Yuen	
	70	5,004,457	4/1/91	Wyatt et al.	
	71	5,015,247	5/14/91	Michelson	
	72	5,020,514	6/4/91	Heckele	
	73	5,025,778	6/25/91	Silverstein et al.	
	74	5,071,410	12/1/91	Pazekk	
	75	5,108,420	4/28/92	Marks	
	76	5,112,354	5/12/92	Sires	
	77	5,125,396	6/1/92	Ray	
	78	5,131,382	7/21/92	Meyer	
	79	5,133,717	7/28/92	Chopin	
	80	5,139,487	8/1/92	Barber	
	81	5,139,499	8/18/92	Small et al.	
	82	5,139,511	8/1/92	Gill et al.	
	83	5,158,543	10/1/92	Lazarus	
	84	5,163,949	11/17/92	Bonnutti	
	85	5,171,279	12/15/92	Matthews	
	86	5,190,561	3/2/93	Graber et al.	
	87	5,195,507	3/1/93	Bilweis	

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U.S. PATENT DOCUMENTS					
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	88	5,195,541	3/23/93	Obenchain	
	89	5,197,971	3/30/93	Bonnutti	
	90	5,201,729	4/1/93	Hertzmann et al.	
	91	5,224,680	7/6/93	Greenstein et al.	
	92	5,225,001	7/6/93	Manni et al.	
	93	5,242,444	9/1/93	MacMillan	
	94	5,279,564	1/8/94	Taylor et al.	
	95	5,287,845	2/22/94	Faul et al.	
	96	5,295,994	3/22/94	Bonnutti	
	97	5,312,417	5/17/94	Wilk	
	98	5,313,962	5/24/94	Obenchain	
	99	5,330,473	7/19/94	Howland	
	100	5,334,150	8/1/94	Kaali	
	101	5,339,802	8/1/94	Cook	
	102	5,339,803	8/1/94	Mayzels et al.	
	103	5,346,504	9/13/94	Ortiz et al.	
	104	5,353,784	10/1/94	Nady-Mohamed	
	105	5,354,302	10/11/94	Ko	
	106	5,357,983	10/1/94	Mathews	
	107	5,359,995	11/1/94	Sewell, Jr.	
	108	5,360,431	11/1/94	Puno et al.	
	109	5,364,395	11/1/95	West, Jr.	
	110	5,370,647	12/6/94	Graber et al.	
	111	5,376,076	12/1/94	Kaali	
	112	5,380,291	12/1/95	Kaali	
	113	5,385,583	1/31/95	Cotrel	
	114	5,392,766	2/1/95	Masterson et al.	
	115	5,395,317	3/7/95	Kambin	
	116	5,396,880	3/1/95	Kagan et al.	

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U.S. PATENT DOCUMENTS					
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	117	5,437,637	8/1/95	Lieber et al.	
	118	5,437,671	8/1/95	Lozier et al.	
	119	5,437,672	8/1/95	Alleyne	
	120	5,439,449	8/1/95	Mapes et al.	
	121	5,439,464	8/8/95	Shapiro	
	122	5,441,041	8/1/95	Sauer et al.	
	123	5,441,042	8/15/95	Putman	
	124	5,443,058	8/1/95	Ough	
	125	5,443,467	8/22/95	Biedermann et al.	
	126	5,443,514	8/22/95	Steffee	
	127	5,445,142	8/1/95	Hassler, Jr.	
	128	5,454,365	10/3/95	Bonnutti	
	129	5,470,333	11/28/95	Ray	
	130	5,472,426	12/5/95	Bonati et al.	
	131	5,480,440	1/2/96	Kambin	
	132	5,484,437	1/16/96	Michelson	
	133	5,487,744	1/30/96	Howland	
	134	5,489,307	2/6/96	Kuslich et al.	
	135	5,503,617	4/2/96	Jako	
	136	5,512,034	4/1/96	Finn et al.	
	137	5,520,607	5/28/96	Frassica et al.	
	138	5,534,009	7/1/96	Lander	
	139	5,549,595	8/1/96	Freitas	
	140	5,549,608	8/27/96	Errico et al.	
	141	5,551,947	9/1/96	Kaali	
	142	5,554,157	9/10/96	Errico et al.	
	143	5,556,371	9/1/96	Kaali	
	144	5,562,696	10/1/96	Nobles et al.	
	145	5,562,736	10/8/96	Dickhudt et al.	

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U.S. PATENT DOCUMENTS					
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	146	5,569,205	10/1/96	Hart et al.	
	147	5,569,248	10/1/96	Mathews	
	148	5,571,072	11/5/96	Kronner	
	149	5,573,517	11/12/96	Bonutti et al.	
	150	5,575,754	11/19/96	Konomura	
	151	5,586,984	12/24/96	Errico et al.	
	152	5,588,949	12/31/96	Taylor et al.	
	153	5,601,554	2/11/97	Howland et al.	
	154	5,601,590	2/11/97	Bonutti et al.	
	155	5,603,688	2/1/97	Upsher	
	156	5,613,937	3/1/97	Garrison et al.	
	157	5,613,968	3/25/97	Lin	
	158	5,642,442	4/29/97	Merlinger et al.	
	159	5,643,282	7/10/97	Kieturakis	
	160	5,667,472	9/1/97	Finn et al.	
	161	5,667,473	9/1/97	Finn et al.	
	162	5,667,478	9/1/97	McFarlin et al.	
	163	5,667,520	9/16/97	Bonnutti	
	164	5,672,176	9/30/97	Biedermann et al.	
	165	5,674,295	10/7/97	Ray et al.	
	166	5,681,319	10/28/97	Biedermann et al.	
	167	5,695,448	12/9/97	Kimura et al.	
	168	5,702,454	12/30/97	Baumgartner	
	169	5,707,359	1/13/98	Bufalini	
	170	5,716,356	2/10/98	Biedermann et al.	
	171	5,725,588	3/10/98	Errico et al.	
	172	5,728,046	3/1/98	Mayer et al.	
	173	5,730,754	3/1/98	Obenchain	
	174	5,735,792	4/1/98	Vanden Hoek et al.	

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	175	5,762,629	6/9/98	Kambin	
	176	5,772,661	6/1/98	Michelson	
	177	5,782,833	7/21/98	Haider	
	178	5,782,919	7/21/98	Zdeblick et al.	
	179	5,792,044	7/21/98	Foley et al.	
	180	5,795,289	8/19/98	Wytenbach	
	181	5,797,911	8/25/98	Sherman et al.	
	182	5,810,809	9/1/98	Rydell	
	183	5,810,818	9/22/98	Errico et al.	
	184	5,813,978	9/29/98	Jako	
	185	5,814,084	9/29/98	Grivas et al.	
	186	5,823,947	10/1/98	Yoon et al.	
	187	5,824,093	10/20/98	Ray et al.	
	188	5,827,319	10/27/98	Carlson et al.	
	189	5,857,999	1/12/99	Quick et al.	
	190	5,863,293	1/26/99	Richelsoph	
	191	5,865,728	2/1/99	Moll et al.	
	192	5,865,802	2/2/99	Yoon et al.	
	193	5,868,745	2/9/99	Alleyne	
	194	5,873,878	2/23/99	Harms et al.	
	195	5,876,402	3/2/99	Errico et al.	
	196	5,879,389	3/9/99	Koshino	
	197	5,882,350	3/16/99	Ralph et al.	
	198	5,885,286	3/23/99	Sherman et al.	
	199	5,888,190	3/30/99	Foley et al.	
	200	5,902,231	5/11/99	Foley et al.	
	201	5,910,142	6/8/99	Tatar	
	202	5,921,917	7/1/99	Barthel et al.	
	203	5,928,137	7/1/99	Green	

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	204	5,928,232	7/27/99	Howland et al.	
	205	5,928,233	7/27/99	Apfelbaum et al.	
	206	5,954,635	9/21/99	Foley et al.	
	207	5,954,725	9/21/99	Sherman et al.	
	208	5,961,499	10/5/99	Bonnutti et al.	
	209	5,961,517	10/5/99	Biedermann et al.	
	210	5,964,760	10/12/99	Richelsoph	
	211	5,984,928	11/16/99	Hermann	
	212	5,997,471	12/1/99	Gumb et al.	
	213	5,997,508	12/7/99	Lunn et al.	
	214	6,004,320	12/1/99	Casscells et al.	
	215	6,007,487	12/1/99	Foley et al.	
	216	6,007,533	12/1/99	Casscells et al.	
	217	6,010,503	1/4/00	Richelsoph et al.	
	218	6,022,376	2/8/00	Assell et al.	
	219	6,033,406	3/7/00	Matthews	
	220	6,050,997	4/18/00	Mullane	
	221	6,053,917	4/25/00	Sherman et al.	
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	223	6,074,380	6/1/00	Byrne et al.	
	224	6,074,391	6/13/00	Metz-Stavenhagen et al.	
	225	6,077,262	6/20/00	Schläpfer et al	
	226	6,086,588	7/11/00	Ameil et al.	
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	228	6,096,081	8/1/00	Grivas et al.	
	229	6,110,173	8/29/00	Thomas, Jr.	
	230	6,110,210	8/29/00	Norton et al.	
	231	6,113,601	9/5/00	Tatar	
	232	6,120,434	9/1/00	Kimura et al.	

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	Filing Date	October 20, 2003
	First Named Inventor	Thomas W. Davison
	Art Unit	3733
(Multiple sheets used when necessary)	Examiner	Nicholas W. Woodall
SHEET 9 OF 16	Attorney Docket No.	ENDIUS.26CP1C2

U.S. PATENT DOCUMENTS					
Examiner Initials	Cite No.	Document Number Number - Kind Code (if known) Example: 1,234,567 B1	Publication Date MM-DD-YYYY	Name of Patentee or Applicant	Pages, Columns, Lines Where Relevant Passages or Relevant Figures Appear
	233	6,120,437	9/19/00	Yoon et al.	
	234	6,132,432	10/17/00	Richelsoph	
	235	6,132,465	10/17/00	Ray et al.	
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	237	6,142,931	11/1/00	Kaji	
	238	6,152,871	11/28/00	Foley et al.	
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	252	6,261,586	7/17/01	McCay	
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SHEET 10 OF 16	Attorney Docket No.	ENDIUS.26CP1C2

U.S. PATENT DOCUMENTS					
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U.S. PATENT DOCUMENTS					
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	Art Unit	3733
SHEET 13 OF 16		Examiner Nicholas W. Woodall
		Attorney Docket No. ENDIUS.26CP1C2

U.S. PATENT DOCUMENTS

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Examiner Initials	Cite No.	Foreign Patent Document Country Code-Number-Kind Code Example: JP 1234567 A1	Publication Date MM-DD-YYYY	Name of Patentee or Applicant	Pages, Columns, Lines Where Relevant Passages or Relevant Figures Appear	T ¹
	350	AU 13672/95	09/14/1995	Kambin		
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SHEET 14 OF 16	Attorney Docket No.	ENDIUS.26CP1C2

FOREIGN PATENT DOCUMENTS

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NON PATENT LITERATURE DOCUMENTS

Examiner Initials	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ¹
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	386	CASPAR, WOLFARD, M.D., "The Caspar Microsurgical Discectomy and Comparison with a Conventional Standard Lumbar Disc Procedure" Neurosurgery, January 1991, pgs. 78-87, Vol. 28, No. 1.	
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NON PATENT LITERATURE DOCUMENTS

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	409	MUSCULOSKELETAL TRANSPLANT FOUNDATION presentation materials (1-16), dated April 1996.	
	410	OTERO VICH M.D., JOSE M., "Anterior Cervical Interbody Fusion with Threaded Cylindrical Bone", Journal of Neurosurgery 63: 750-753, 1985.	
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	417	Copy of Response to Office Action mailed January 3, 2006 in U.S. Application No. 10/734,161, filed July 3, 2006.	
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